IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2163 OF 2007

1. Shravan Kumar @ Babla
   Babulal Dave.

2. Chandra Prakash @ Teniya
   Babulal Dave. ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

P.M.Vyas with Hitesh Vyas for the applicant.

U.V.Nikam, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 17th July 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicants, who are seeking bail under section 439 of Cr.P.C. in C.R.No.I-77/2007 of Hill Line Police Station, Ullhasnagar, district- Thane; wherein they are charged under sections 376, 328, 504, 504 read with section 34 of the Indian Penal Code.

3. The learned counsel for the applicants submits that the applicants are innocent and falsely implicated in the F.I.R. lodged by the prosecutrix

since the applicants had developed strained relations with her husband at one time. The facts disclosed and the story sought to be pleaded by the complainant is not only vague but difficult to believe at this stage. In earlier two applications at the instance of other accused persons, the trial is expedited since they withdrew their applications for bail. The present applicants cannot be compared with other two accused who have withdrawn their application. I am, therefore, inclined to grant bail in favour of the applicants, subject to following conditions:

(a) The applicants, arrested in connection with C.R.No.I-77/2007 registered with Hill Line Police Station, Ulhasnagar shall be enlarged on bail in the sum of Rs.25,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to the Hill Line Police Station once in a week, i.e. on every Friday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicants furnish to the investigating officer the details about their place of residence and address where they

propose to stay after they are enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicants shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

3. Application stands disposed of accordingly.

JUDGE